



US Army Corps  
of Engineers

**Detroit District**

# Public Notice

Applicant: City of Manistee

In Reply Refer To: Corps File No. LRE-2011-00753-45  
MDEQ File No. 11-51-0026-P

Date: November 16, 2011  
Expires: December 6, 2011

## **Proposed Sanitary Sewer Replacement, Bulkhead, and Riprap in the Manistee River at Manistee, Michigan**

**Applicant:** City of Manistee, 70 Maple Street, Manistee, MI 49660

**Project Location:** In the Manistee River, south of 6<sup>th</sup> Avenue and Short Street, Manistee, Manistee County, Michigan, located approximately 80 feet west of the Maple Street Bridge (T21N, R17W, Section 11).

**Federal Authority:** The applicant has applied for a Department of the Army permit under Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act.

**State Authority:** Section 401 of the Clean Water Act requires that all discharges of dredged or fill material must be certified by the State as complying with applicable effluent limitations and water quality standards. Coastal Zone Management Certification (or waiver thereof) is required from the State of Michigan if this proposed activity would occur within the designated coastal zone.

**Project Description:** As shown on the attached plans, the applicant proposes to replace an existing 12-inch sanitary sewer line in the Manistee River with a new 12-inch sanitary sewer approximately 2.5 feet waterward of its current location. The applicant further proposes to install a steel sheet pile bulkhead along 390 feet of riverbank, up to approximately 22 feet waterward of the Ordinary High Water Mark. Approximately 2195 cubic yards of fill would be discharged landward of the bulkhead as backfill in an area approximately 23 feet wide, 390 feet long, and 13 feet deep. Approximately 1011 cubic yards of riprap would be discharged along the 390 feet of bulkhead, up to 28 feet waterward of the bulkhead, to a height of 5 feet. The purpose of the project is to maintain functionality of the sanitary system.

**Avoidance & Minimization:** The applicant has stated the following concerning avoidance and minimization to Waters of the United States: "We are placing a sheet pile sea wall to hold the fill for the sanitary sewer. We are placing silt fence along the edges of the sea wall to prevent erosion from entering the waters. The MDEQ is requiring a turbidity curtain to be placed waterward of the sheet pile to prevent sediment from entering the waterway. We are placing the rip rap at the steepest slope allowable per the Federal Highway Administrations Hydraulic

Engineering Circular No. 11 Design of Rip Rap Revetment.” The Corps has not verified the adequacy of the applicant’s avoidance and minimization statement at this time.

**Compensatory Mitigation:** The applicant has stated the following concerning compensatory mitigation for unavoidable impacts to Waters of the United States: Mitigation is not necessary or appropriate for the proposed work because: “No compensation would be taking place unless specifically required by the USACoE.” The Corps has not verified the adequacy of this mitigation proposal at this time.

**Other Authorizations:** A permit from the Michigan Department of Environmental Quality under applicable provisions of the Natural Resources and Environmental Protection Act (NREPA), 1994 PA 451. The State file number is 11-51-0026-P.

**Comments:** We are publishing this notice in compliance with Title 33 Code of Federal Regulations Parts 320-332. Comments on the project should be submitted in writing and postmarked or delivered by the expiration date of this public notice. Comments of a positive or negative nature may be submitted. All responses must refer to file number LRE-2011-00753-45. We will interpret a lack of response as meaning that there is no objection to the permit application. Comments should be filed with:

Charles M. Simon  
Chief, Permit Evaluation Western Branch  
Regulatory Office, Detroit District, Corps of Engineers  
477 Michigan Avenue  
Detroit, Michigan 48226-2550

Comments may be e-mailed to: Katie.L.Schill@usace.army.mil, but must include a name and mailing address.

**Public Hearing:** Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

**Evaluation:** The decision whether to issue the Department of the Army permit will be based on evaluation of the probable impact of the proposed activity on the public interest. This decision will reflect the national concerns for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

This activity involves the discharge of dredged or fill material into waters of the United States. Therefore, the U.S. Army Corps of Engineers' evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator of the Federal Environmental Protection Agency, under the authority of Section 404(b)(1) of the Clean Water Act.

**Endangered Species:** We will review this application for the potential impact on threatened or endangered species pursuant to Section 7 of the Endangered Species Act as amended. We are not aware of the presence of any listed species or critical habitat at or in the vicinity of the proposed worksite. We invite information and/or comments regarding the potential presence of, or impacts to, any listed species or critical habitat.

**Cultural Resources:** The District Staff has reviewed existing information on historic properties potentially affected by the proposed project, including the National Register of Historic Places. The proposed work area is within the Manistee Central Business District, which is listed in the National Register of Historic Places. The District Engineer invites responses to this Public Notice from federal, state and local agencies, historical and archaeological societies, Indian tribes, and other parties likely to have knowledge of or concerns with historic properties in the area.

**Additional Information:** This public notice and drawings are also available for viewing/printing at: <http://www.lre.usace.army.mil/functions/rf/html/pncur.htm>. Questions concerning this application may be directed to Katie Schill at the Corps of Engineers address listed above, or telephone number 313-226-5479.

FOR THE DISTRICT ENGINEER:

Charles M. Simon  
Chief, Permit Evaluation Western Branch  
Regulatory Office

NOTICE TO POSTMASTERS:

We request that the above notice be conspicuously and continuously posted for the time period of this notice.